



## **CHARTER TOWNSHIP OF ELMWOOD**

### **Planning and Zoning**

10090 E. Lincoln Rd, Traverse City, MI 49684

(231) 946-0921 Fax (231) 946-9320

Email: [planner@elmwoodtownship.net](mailto:planner@elmwoodtownship.net)

### **Zoning Board of Appeals Application Variance Request**

Applications will not be accepted unless containing the following information:

- 1) Completed application form with owner's signature
- 2) Scaled Site Plan with all dimensions
- 3) Cover Letter describing the request
- 4) Escrow Policy (if needed as determined by Planner)
- 5) Fee- \$550

Applications are to be submitted 45 days prior to the Zoning Board of Appeals meeting. Typically meetings are scheduled for the 1<sup>st</sup> Wednesday of the Month.



## **Standards of Approval from Charter Township of Elmwood Zoning Ordinance:**

### **SECTION 16.6 VARIANCES.**

The Board of Appeals may authorize specific variances from requirements of the Ordinance, with the exception of a use variance, provided all of the basic conditions listed herein and any one of the special conditions listed thereafter shall be satisfied.

1. Basic Conditions: A variance from this Ordinance:
  - a. Will not be contrary to the intent and purpose of this Ordinance.
  - b. Shall not permit the establishment within a district of any use unless such use is authorized by this Ordinance.
  - c. Will not cause a substantial adverse effect upon property, which includes, but is not limited to property values, in the immediate vicinity or in the district in which the property of the applicant is located.
  - d. Is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.
  - e. Will relate only to property that is owned or occupied, or where the applicant has equitable interest.
  - f. Shall not be the result of a condition created by the applicant.
  - g. Shall be assessed for the possible precedents or affects, which might result from the approval or denial of the appeal and which would be contrary to the intent and purpose of this Ordinance.
2. When all of the foregoing basic conditions can be satisfied, a variance may be granted when one of the following special conditions can be clearly demonstrated:
  - a. Where there are practical difficulties, which prevent carrying out the strict letter of this Ordinance. These difficulties shall not only be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
  - b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall have not resulted from any act of the appellant subsequent to the adoption of this Ordinance.
  - c. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
3. In addition to the foregoing conditions, the following rules shall be applied to the granting of variances:
  - a. The Board of Appeals may place reasonable conditions on the granting of a variance. All conditions shall be placed in the record of the proceedings. All conditions shall be designed to protect the health, safety and welfare of the public and users of the land

for which the variance has been requested; minimize adverse impacts on nearby lands or the community as a whole; be related to the valid exercise of police power and the purposes of the proposed activity with which the variance will be used; be necessary to meet the intent and purpose this Ordinance; and be related to compliance with the standards contained in Article 16 which are applicable to the variance. The breach of any such condition shall be a violation of this Ordinance.

- b. Every variance granted under the provisions of this Ordinance shall become null and void unless the construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance, and the occupancy of land, or premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance.
- c. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found, upon inspection by the Board of Appeals, to be valid.
- d. Neither the nonconforming use of neighboring lands, structures in any zoning district nor the existence of nonconforming buildings or structures in any zoning district shall be used as the basis for the issuance of a variance.

CASE NUMBER \_\_\_\_\_

Charter Township of Elmwood  
ZONING BOARD OF APPEALS APPLICATION

Property Address: \_\_\_\_\_

Parcel Number: 45-004-\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_ Zoning District: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Owner Phone: \_\_\_\_\_

Owner Address: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Phone: \_\_\_\_\_

(If Different than Owner)

Applicant Address: \_\_\_\_\_

Type of Request: \_\_\_\_\_ Variance \_\_\_\_\_ Interpretation \_\_\_\_\_ Appeal \_\_\_\_\_ Other

Section(s) of Ordinance seeking Variance from: \_\_\_\_\_

Required Dimension in Ordinance: \_\_\_\_\_

Amount of Variance Requested from Required Dimension: \_\_\_\_\_

Previous Appeal Requests (Date, Request, Decision): \_\_\_\_\_

Other Information to Explain Request: \_\_\_\_\_

Approval Criteria:

The following questions must be answered completely, attach additional pages if necessary.

- a. Will this request be contrary to the intent and purpose of the Zoning Ordinance?

b. Will this request establish a use not permitted in the zoning district the property is located in?

c. Will this request cause a substantial adverse effect upon property, which includes, but is not limited to property values, in the immediate vicinity or in the district in which the property of the applicant is located?

d. Will this request be specific to the property and not be so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical?

e. Will this request relate only to property that is owned or occupied, or where the applicant has equitable interest?

f. Will this request be the result of a condition created by the applicant?

g. Will this request create possible precedents or affects, which might result from the approval or denial of the appeal and which would be contrary to the intent and purpose of this Ordinance?

In addition to the above questions, the request must also meet ONE of the following:

a. Are there practical difficulties, which prevent carrying out the strict letter of this Ordinance? These difficulties shall not only be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

b. Are there exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district? Such circumstances or conditions shall have not resulted from any act of the appellant subsequent to the adoption of this Ordinance.

- c. Will this request result in a variation necessary for the preservation of a substantial property right possessed by other properties in the same zoning district?

The following questions need to be answered if the request is involving a nonconforming building or structure:

- a. Does the request increase the measurement of the existing dimensional nonconformity? For example, if a structure is nonconforming because it violates a setback requirement by two (2) feet, an added level which otherwise complies with this Ordinance could be permitted, but a lateral extension of the structure which would violate the setback requirement by three (3) feet would not be permitted.
  
- b. Does the request create a new added nonconformity of any type? For example, if a structure is nonconforming because it violates a setback requirement by two (2) feet, then an appeal to enlarge the structure cannot result in a new setback violation at a different location on the property or a violation of the maximum allowable height of a structure
  
- c. Does the request have an adverse impact on any surrounding property?



Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Affidavit:**

The undersigned affirms that he/she or they is (are) the owner, or authorized agent of the owner, and that the answers and statements herein contained ad the information submitted are in all respects true and correct. In addition, the undersigned represents that he/she or they is authorized and does hereby grant a right if entry to Township officials for the purpose of inspecting the premises and uses thereon for the sole purpose of gathering information regarding this request. The undersigned also affirms that he/she or they have reviewed the standards for approval in Article 16 of the Zoning Ordinance.

\_\_\_\_\_  
Owner Signature Date

\_\_\_\_\_  
Applicant Signature Date

**OFFICE USE ONLY:**

ZBA Case Number: \_\_\_\_\_ Fee: \_\_\_\_\_ Paid: \_\_\_\_\_

Board Decision: \_\_\_\_\_ Date: \_\_\_\_\_

Date Permit Issued: \_\_\_\_\_ Issued By: \_\_\_\_\_

Site Plan Requirements:

a. Residential Land Uses

- Parcel drawing, a survey may be required if the Zoning Administrator deems necessary
- Dimensions of buildings
- Well and sewage disposal system locations
- Measurements of required front, rear, side, and water setbacks
- Easements
- Rights-of-way
- Power lines or other limitations to construction or use
- Location of existing and proposed structures
- Number of families to be located on the property
- Ingress and egress and off street parking location

b. Commercial Land Uses

In addition to above:

- Type of commercial or industrial use
- Area map showing adjacent properties and uses
- Number of employees on each shift
- Noise pollution fact
- Location of trash receptacles
- Parking arrangements
- Location and size of existing/proposed signs
- Location and description of existing and proposed buffer areas, landscaping, lighting, berms, fences or walls on the parcel

### Charter Township of Elmwood Escrow Policy

Accordingly, the procedure for the handling and processing of escrow deposits henceforth shall be as follows:

1. In connection with any application for a special land use, site plan approval, zoning amendment, cluster residential development review, site condominium review, planned unit development review, appeal, interpretation, variance, or other application as required by this Ordinance, the Township may require the applicant to pay in advance into an escrow fund established to cover the reasonable costs of reviewing the application. These costs may include staff costs or consultant fees covering planning, engineering, environmental analysis, wetland delineation, legal review, and other professional and technical services required for a proper and thorough review of the application. No application shall be reviewed further or considered complete, and no permit shall be issued, until all costs have been paid and/or the escrow fund has been replenished as outlined below. The Township shall account for the expenditure of all escrow funds, and the Township Clerk shall refund any unexpended funds within sixty (60) days of final action.
2. Should the escrow fund ever dip below fifty (50%) of the original fund amount, the applicant shall be advised and required to replenish said escrow fund to the full original amount within five (5) business days of having been so notified by the Township Clerk.
3. The applicant may seek an accounting from the Township Clerk of expenditures from the escrow fund when a request is made by the Township to replenish the fund and/or after a final decision on the application has been made. However, the applicant has no authority to approve or deny expenditures.

Amount of Escrow Deposit Required: \_\_\_\_\_

Amount of Escrow Deposit Received: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_